

Appl. No. 10/786,227
Amendment dated March 28, 2007
Reply to Office Action of December 29, 2006

AMENDMENTS TO THE DRAWINGS:

The attached two (2) replacement sheets of drawings include changes to Figures 12 and 14. These sheets, which include Figures 11-14, and replace the formal drawing sheets (filed on June 16, 2004) including Figures 11-14.

Attachment: two (2) replacement sheets

REMARKS

In the December 29, 2006 Office Action, claims 1 and 4-15 stand rejected in view of prior art. On the other hand, claims 16-28 were indicated as allowed and claims 2-3 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. The specification was also objected to for an informality. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the December 29, 2006 Office Action, Applicants have amended the specification and claims 1, 2, 4 and 8-10 as indicated above. Thus, claims 1-28 are pending, with claims 1, 2 and 16 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Specification

In paragraph 2 of the Office Action, the specification was objected to for a typographical error "busing" in paragraph [005]. In response, Applicants have amended the specification to correct a typographical error in paragraph [0051]. It appears that the Office Action contained a typographical error in identifying the appropriate paragraph of the specification. In any event, Applicants have searched the specification for the objectionable term "busing" and corrected the specification to read --bushing--. Accordingly, withdrawal of this objection is respectfully requested.

Also, Applicants have amended paragraph [0050] by the current Amendment. Specifically, Applicants have amended the specification to include language that more closely corresponds to the language of independent claim 1, as now amended. No new matter has been added by this Amendment.

Drawings

Applicants have filed two (2) replacement sheets of formal drawings herewith including changes to Figures 12 and 14. Specifically, an offset plane Q has been identified in these Figures. Such a plane was inherently disclosed in the original drawings as filed. Thus, no new matter has been added by these changes in the drawings. These changes have been made in the drawings to more clearly identify the features of independent claim 1, as now amended. Applicants believe that the drawings comply with 37 CFR §1.83(a).

Rejections - 35 U.S.C. § 102

In paragraphs 3-4 of the Office Action, claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication No. 60-195287 (hereinafter "the '287 publication"). In response, Applicants have amended independent claim 1 to more clearly define the present invention over the prior art of record.

In particular, independent claim 1 now requires a tension pulley having an annular recess disposed about said rotation axis of said tension pulley to form a projection disposed further from said rotation axis than said recess and a center plane perpendicular to said axis of rotation, said projection having a free edge located furthest from said center plane, the free edge lying in an offset plane parallel to the center plane, and an inner guide plate having a guide section with a sloped guide surface that intersects the offset plane and a radially outermost edge located in said annular recess, said projection projecting in an axial direction further from said center plane of said tension pulley than said outermost edge of said guide section a slope surface extending into the annular recess. Clearly, this structure is **not** disclosed or suggested by the '287 publication or any other prior art of record.

Specifically, the '287 publication fails to disclose or suggest an inner guide plate having a guide section with a sloped guide surface that intersects the offset plane and a radially outermost edge located in said annular recess, as now claimed. Rather, in the '287 publication, the only sloped surfaces (either 20' or unnumbered near 19 in Figure 4) terminate at locations spaced from any plane of the tension pulley. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that

claim 1, as now amended, is not anticipated by the prior art of record. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections - 35 U.S.C. § 103

In paragraphs 5-8 of the Office Action, claims 4-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '287 publication in view of Japanese Patent Publication No. 60-188087 (hereinafter "the '087 publication"). In response, Applicants have amended independent claim 1 as mentioned above.

In particular, independent claim 1 now requires a tension pulley having an annular recess disposed about said rotation axis of said tension pulley to form a projection disposed further from said rotation axis than said recess and a center plane perpendicular to said axis of rotation, said projection having a free edge located furthest from said center plane, the free edge lying in an offset plane parallel to the center plane, and an inner guide plate having a guide section with a sloped guide surface that intersects the offset plane and a radially outermost edge located in said annular recess, said projection projecting in an axial direction further from said center plane of said tension pulley than said outermost edge of said guide section a slope surface extending into the annular recess. Clearly, this structure is **not** disclosed or suggested by the '287 publication or the '087 publication whether taken singularly or in combination.

Specifically, the '287 publication fails to disclose or suggest ***an inner guide plate having a guide section with a sloped guide surface that intersects the offset plane and a radially outermost edge located in said annular recess,*** as explained above. Similarly, the '087 publication also fails to disclose or suggest ***an inner guide plate having a guide section with a sloped guide surface that intersects the offset plane and a radially outermost edge located in said annular recess,*** as now claimed. In the '087 publication, the so-called guide section 10 has a radially outer most edge disposed radially outwardly of the projection (i.e., not disposed in the annular recess whatsoever). Accordingly, combining the teachings of the '087 publication with the '287 publication, at best, would result in a part of the inner guide plate of the '287 publication shaped and positioned as shown in the '087 patent. In other words, since neither the '087 publication nor the '287 publication disclose or suggest ***an inner***

guide plate having a guide section with a sloped guide surface that intersects the offset plane and a radially outermost edge located in said annular recess, as now claimed, a hypothetical device created by combining these references cannot not result in the claimed arrangement. More specifically, if the '087 publication and the '287 publication were somehow modified to meet the claims of the present invention, it would require a complete reconstruction of the devices in both references, which would destroy the teachings of the references. Moreover, such a hypothetical reconstruction would require impermissible hindsight based on Applicants' disclosure.

The Office Action asserts that one of ordinary skill in the art would combine these references to protect the pulley of the '287 patent from dirt intrusion. This logic is flawed. The inner guide plate of the '287 publication appears to already have a shape and location to prevent dirt intrusion. Note the tabs that extend into the recess of the pulley and the absence of dust caps between the pulleys and the inner guide plate in the '287 publication. On the other hand, the '087 publication utilizes dust caps to prevent dirt intrusion. Accordingly, one of ordinary skill in the art would not combine the teachings of these references, as suggested in the Office Action "to prevent dirt intrusion".

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does ***not*** make the modification obvious, unless the prior art ***suggests*** the desirability of the modification. In this case, the prior art of record lacks any suggestion or expectation of success for combining the references to create the Applicants' unique arrangement of ***an inner guide plate having a guide section with a sloped guide surface that intersects the offset plane and a radially outermost edge located in said annular recess, as now claimed.*** Moreover, attempting to combine these references would not result in the claimed invention, as explained above. Accordingly, the hypothetical combination of the '287 publication and the '087 publication fails to disclose or suggest the arrangement of independent claim 1 as now amended.

Applicants believe that the dependent claims 4-15 are allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above with respect to independent claim 1. Also, the dependent claims 4-15 are further allowable because they include additional limitations. Thus, Applicants believe

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that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims. Accordingly, withdrawal of this rejection of dependent claims 4-15 is respectfully requested.

Allowable Subject Matter

In paragraph 9 of the Office Action, claims 16-28 were indicated as allowed and claims 2 and 3 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. In response, Applicants have amended claim 2 to place this claim in independent form. Thus, claims 2, 3 and 16-28 are now believed to be allowable.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-28 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this amendment, please feel free to contact the undersigned.

Respectfully submitted,



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